

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of similarly
situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-05807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

STIPULATED MOTION TO AMEND CLASS DEFINITION

Plaintiff Mike Harris and Jeff Dunstan (“Plaintiffs”) and Defendant comScore, Inc. (“comScore”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and, by agreement, respectfully move the Court to amend its Memorandum, Opinion, and Order dated April 2, 2013, which granted Plaintiffs’ motion for class certification (the “Certification Order”) (Dkt. 186), so as to limit the definition of the Class to include only United States residents who since 2005 downloaded and installed comScore’s software. In support of their stipulation, the Parties state as follows:

WHEREAS, on April 2, 2013, this Court granted the Plaintiffs’ motion for class certification, certifying a Class defined as:

All individuals who have had, at any time since 2005, downloaded and installed comScore’s tracking software onto their computers via one of comScore’s third party bundling partners;

WHEREAS, comScore does not contest that a certified Class containing only individuals in the United States fulfills the numerosity requirement of Rule 23(a);

WHEREAS, the Parties agree that limiting the certified Class to include only individuals in the United States is appropriate in that it will aid in the effective and efficient administration

of this litigation, including issues relating to providing the best possible notice to the certified Class for the purposes of due process and issues relating to res judicata;

WHEREAS, the Parties agree that the proposed limitation to the Class definition would not question or otherwise affect this Court's analysis regarding the requirements of Rule 23(a) and Rule 23(b)(3) in its certification Order, including as applied to the proposed amended class definition;

WHEREAS, the Parties further agree that nothing in this stipulation will have a preclusive effect on comScore's ability to later challenge this Court's certification Order or otherwise raise any defense to Plaintiffs' claims as it deems appropriate;

WHEREAS, Federal Rule of Civil Procedure 23 specifically contemplates that any "order that grants or denies class certification may be altered or amended before final judgment." Fed. R. Civ. P. 23(c)(1)(C).

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, and subject to the approval of the Court, as follows:

1. The definition of the Class in the Court's Certification Order shall be amended as follows:

All United States residents who have had, at any time since 2005, comScore's tracking software downloaded and installed onto their computers via one of comScore's third party bundling partners.

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Respectfully submitted,

Mike Harris and **Jeff Dunstan**, individually
and on behalf of a class of similarly situated
individuals,

Dated: November 6, 2013

By: s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

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Counsel for Plaintiffs and the Class and Subclass

Dated: November 6, 2013

comScore, Inc.,

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SIGNATURE ATTESTATION

Pursuant to Section IX(C)(2) of the General Order on Electronic Case Filing, I hereby attest that the content of this document is acceptable to all persons whose signatures are indicated by a conformed signature (s/) within this e-filed document.

s/ Benjamin S. Thomassen

CERTIFICATE OF SERVICE

I, Benjamin S. Thomassen, an attorney, certify that on November 6, 2013, I served the above and foregoing ***Stipulated Motion to Amend Class Definition***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 6th day of November 2013.

s/ Benjamin S. Thomassen